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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,310	02/01/2001	Kurt Sager-Hintermann	FE-13	8239

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EXAMINER

VARNER, STEVE M

ART UNIT PAPER NUMBER

3635

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,310

Applicant(s)

SAGER-HINTERMANN ET AL.

Examiner

Steve M Varner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election without traverse of claims 1-11 in Paper No. 8 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, "the production chambers comprises a closeable line configure to communicate with the ambient," is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Willingham in view of Kim.

Willingham shows production chambers (C) arranged successively closely adjacent to one another in a direction of transport of the construction elements through the device. Willingham shows each one of the production chambers having opposed ends with through openings configured to be connected to a vacuum source.

Art Unit: 3635

Willingham shows stationary (C) and detachable (2) chamber parts of concrete (Col. 47, Line 5-10). He does not show reinforced concrete. Reinforced concrete is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use reinforced concrete in the structure of Willingham since this is the usual way of building concrete structures. The first and second edges may be sealing surfaces configured to seal the stationary and detachable chamber parts relative to one another. (Fig. 1)

Willingham does not show metallic skin anchored in the stationary and detachable chamber parts. Kim shows metal skin (Abstract). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use metal skin as in Kim in the structure of Willingham to protect the concrete from environmental damage.

Regarding claim 2, Willingham shows the basic claimed structure. Willingham does not show metal skin fastened to the anchoring elements. Kim shows metal skin. Anchoring elements are well known in reinforced concrete construction. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use anchoring elements in the concrete and then fasten the metal skin to it in order to attach the metal skin to the concrete for environmental protection.

Regarding claim 3, Willingham shows the detachable chamber part is hood-shaped (2). (Fig. 1)

Regarding claims 4, Willingham shows the stationary chamber part (C) is provided with the hollow interior.

Regarding claim 5, Willingham teaches the first and second edge areas are flanges (both 5's) having sides facing one another and wherein the sealing surfaces are located on the sides facing one another.

Regarding claim 6, Willingham shows the basic claimed structure. Willingham does not show the sealing surfaces formed by metallic skin. Kim shows metallic skin. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use metal skin as in Kim in the structure of Willingham to protect the concrete from environmental damage.

Regarding claim 7, Willingham shows the basic claimed structure. Willingham does not show seals. Seals are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a seal to close the chambers to create an isolated environment.

Regarding claim 8, Willingham shows each production chamber (C) comprises a closeable line configured to communicate with the ambient. The line is closeable with closure flaps (See claim 10).

Regarding claim 9, Willingham shows the basic claimed structure. Willingham does not show stainless steel. Kim shows metal. Stainless steel is a well-known structural material. It would have been obvious to one of ordinary skill in the art to use a metal such as stainless steel in the structure of Kim since the steel must protect the concrete from the environment.

Regarding claim 10, Willingham shows the basic claimed structure. Willingham does not show closure flaps. Closure flaps or doors are well known in the art. It would

Art Unit: 3635

have been obvious to one of ordinary skill in the art at the time the present invention was made to use closure flaps in the structure of Willingham to close off the production chambers to create an isolated environment.

Regarding claim 11, Willingham shows a flat straightening plate (top of 2). Willingham does not show a frame configured to be tightly placed onto a flat surface. Frames such as to pour concrete are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a pouring form on the flat straightening plate of Williams to create a horizontal plate.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV
January 9, 2003



Carl D. Friedman
Supervisory Patent Examiner
Group 3600